

IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Currently Amended): A mobile communication controlling apparatus for controlling inter-frequency handover, comprising:

a required quality identifying unit configured to identify a quality required for data addressed to a mobile station;

a transmission rate control unit configured to control a data transmission rate of a higher layer, which is higher than a physical layer having a physical layer transmission rate, based on the identification result supplied from the required quality identifying unit; and

an inter-frequency handover instruction unit configured to temporarily suspend signal transmission from a radio base station ~~connected to~~ in communication with the mobile communication controlling apparatus and allow the mobile station to perform inter-frequency measurement, wherein

the required quality identifying unit is further configured to determine whether the identified quality accepts delay variation, and if the identified quality does not accept delay variation, the transmission rate control unit is configured to reduce the transmission rate of the higher layer.

Claim 2 (Cancelled).

Claim 3 (Currently Amended): The apparatus of claim ~~[[2]]~~ 1, wherein the transmission rate control unit ~~reduces~~ is further configured to reduce the transmission rate of the higher layer to a rate below ~~[[a]]~~ the physical layer transmission rate of the physical layer when the identified quality does not accept delay variation.

Claim 4 (Original): The apparatus of claim 1, wherein the inter-frequency handover instruction unit allows the mobile station to implement a compressed mode to perform the inter-frequency measurement.

Claim 5 (Original): The apparatus of claim 1, further comprising:
a frequency information management unit configured to manage information about allocatable carrier frequencies of surrounding areas of the radio base station.

Claim 6 (Original): The apparatus of claim 5, wherein the transmission rate control unit controls the transmission rate of the higher layer if there is an allocatable carrier frequency in the surrounding areas.

Claim 7 (Currently Amended): A method for controlling inter-frequency handover, comprising ~~the steps of~~:

establishing a wireless link between a mobile station and a radio base station;

detecting a trigger for inter-frequency handover for the mobile station communicating with the radio base station;

determining whether a quality required for data transmitted to the mobile station accepts delay variation;

reducing a data transmission rate of a higher layer, which is higher than a physical layer having a physical layer transmission rate, if the required quality does not accept delay variation; and

temporarily suspending signal transmission from the radio base station to allow the mobile station to perform inter-frequency measurement.